PAGE 1 ANCHOR **Kavi Pradeep's family takes Dheeraj Kumar to court for using popular tune without their permission**

'Jai Santoshi Maa' lyric caught in copyright row

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MUMBAI, SEPTEMBER 13

NOT so much in Mumbai, but up North every religious ceremony has the famous 'Jai Jai Santoshi Mata' bhajan blaring from loudspeakers. A Kavi Pradeep theme track for *Jai Santoshi Maa* — a huge box-office success produced by Sat Ram Rohra of Bhagya Laxmi Chitra Mandir, released the same day as *Sholay* in June 1975 — its copyright is today the bone of contention between the celebrated poet's daughter, Mittul Pradeep, and TV production company Creative Eye Limited.

According to Mittul Pradeep, the husband-wife team of Dheeraj Kumar and Ruby Kochar, which owns Creative Eye, has used the song in one of its tele-serials, *Jai Santoshi Maa*, without the permission of the poet's family.

After a verbal duel over the intellectual copyright that rests with the writer, Pradeep has now gone to court for what she says is her right.

Kumar, who claims to have bought the rights from Rohra for Rs 48,000, says, "It's the other party that has gone to the court, we haven't. So whatever judgement the court delivers — which is expected in the next seven days — will be acceptable to all of us."

Kavi Pradeep with his family — *Express photo*

It all began when Rohra approached Kavi Pradeep in 1975 to write the lyrics for his film *Jai Santoshi Maa*. Pradeep declined because Rohra could not afford his fee. It was only when music director C Arjun intervened that he agreed to make an exception, on the assurance that Rohra would pay the rest of the amount soon.

For the title track of the film, 'Jai Jai Santoshi Mata', the poet charged only Rs 10,000, an amount way below his normal price. Then *Jai Santoshi Maa* became a phenomenal success and the title song became the anthem for all religious festivals.

In the deafening celebrations following the success of the film and its lyrics, the poet, like most creative artistes, shied away from asking for his

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dues. The producer, like most commercial pundits, took the writer's magnanimous gesture for granted. Twenty-eight years went by with no reference being made to the incident.

In December 2001, three years after Kavi Pradeep passed away, the poet's 81-year-old wife, Bhadra, and his two daughters, Sargam and Mittul, while channel surfing, heard Pradeep's song in a serial, produced by Ruby Kochar and directed by Dheeraj Kumar.

Enquiries revealed that Rohra had sold the rights of the songs to Creative Eye, without the permission of the deceased poet's family. When the producer and the director of the serial didn't respond, the family lodged complaints with the Film Writer's Association, Indian Motion Pictures Producers' Association and the Indian Performing Rights Society.

The first to respond was the Film Writer's Association, supporting Pradeep morally, legally and financially. On the other hand, IMPPA transferred the case to the Film Makers Combine, which asked Mittul and Kumar to settle the case amicably. Mittul claims Kumar refused the offer and filed a defamation case against her, and hence, she moved court.

However, the High Court hasn't issued a stay order and the serial continues to be on air, with the poet's name not included in the credits. "Our plea is not for money. It is for consent," says an anguished Mittul Pradeep, asking, "Doesn't a dead man have the right to dignity or can anyone exploit him because he isn't physically present to guard his creativity? Our fight is for his honour."